IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1093 of 1988

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJ STATE ROAD TRANSPORT CORPN - Appellant(s)
Versus
BACHUBHAI BHURABHAI VASAVA & 1 - Defendant(s)

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Appearance :
MS JYOTI MEHTA ON BEHALF OF MR HARDIK C RAWAL for Appellant,
NONE for the Respondents,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 10/07/2007

ORAL JUDGMENT

1. Ms.Jyoti Mehta, learned counsel for the appellant. None for the respondents, though the name of Mr.P.M. Raval, learned counsel appears for the respondent No.1. None

for the respondent No.2, though served.

2. The Gujarat State Road Transport Corporation, being aggrieved by the award of compensation of Rs.1,72,950=00 passed by the Motor Accident Claims Tribunal (Main), Bharuch in Motor Accident Claim Petition No.185 of 1985 dtd.8/1/1988, is before this Court with a submission that the award suffers with vice of excessiveness.

3. In the accident, the respondent claimant had suffered injuries which resulted in amputation of the right lower leg very high above the knee and also suffered a loss of right elbow flexibility by 40 degree.

4. The learned tribunal assessed the income of the claimant at Rs.800=00 and despite holding that he was unable to do any heavy work, observed that while sitting, the claimant could earn Rs.200=00 per month, it has, accordingly, deducted Rs.200 from the assessed income and held future loss to be Rs.600=00 or Rs.7200=00 per year. The tribunal applying multiplier of 18, awarded a sum of Rs.1,29,600=00 against future loss of income.

5. I do not think that in the facts and circumstances of the case, the learned tribunal was unjustified in awarding the said amount. The learned tribunal had also awarded

a sum of Rs.40,000=00 towards the pain, sufferings, enjoyment of the amenities of the life etc. Taking into consideration the nature of the injuries and that the claimant had lost one of his leg and will always be dependent upon crutches , I do not think that the amount of Rs.45,000=00 would suffer with vice of excessiveness.

6. The appeal deserves to and is accordingly dismissed. No costs.
7. As none appears for the respondents, Cross Objections, if any, are also rejected.

(R.S. GARG, J.)

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